

THE STATE ROAD LEASE.

ARGUMENT ON THE DEMURRER STILL IN PROGRESS.

A Sharp Legal Fight—Speeches by Judge Lyon, General Lawton and Governor Smith—The Bond Good and All the Lease and the Road.

The argument now progressing before Judge Willis, of the Chancery court, in the matter of the state road lease, has developed into one of the most interesting legal fights ever known in Georgia. This is true of the present aspect of the case, though both sides have been merely skirmishing for three days and the merits of the case are by no means yet developed, as they will be in the event the demurrer is overruled. Two questions are before the court: First, Is the bond of the lessees sufficient to meet the requirements of the law? Second, Have the lessees complied with the law requiring that a majority of shares in the lease shall be held in the state? On the 24th of October, 1870, the bill to lease the state road became a law and under it the road was leased for twenty years at \$200,000 a year to the following parties, who became, on the following December, a body politic and corporate under the name of the Western and Atlantic railroad company: Benjamin H. Hill, John T. Grant, John Cameron, John S. White, Andrew J. White, William T. Walters, Thomas A. Scott, Joseph E. Brown, Hannibal I. Kimball, John P. King, Edmund W. Cole, Richard Peters, George Cook, Henry B. Plant, Benjamin May, Ezekiel Witzfeldt, Alexander A. Alexander, William H. Stephens, William P. Dinsmore, William S. Holt, Charles A. Nutting, William C. Morrill and William B. Johnston.

The act requires that the lessees should be worth, over and above their indebtedness, \$200,000, and shall give a bond in the sum of \$2,000,000. The company offered a bond, indorsed by the following railroad companies: The Georgia railroad and banking company, the Atlanta and West Point railroad company, the Central railroad and banking company, the Southwestern railroad company, the Nashville and Chattanooga railroad company, the Macon and Brunswick railroad company, the Brunswick and Albany railroad company, the Macon and Western railroad company, and the St. Louis and Iron Mountain railroad company signed thereto as sureties. It at once became a question as to whether the indorsement of these companies were valid, it being claimed at the time that said indorsement was "ultra vires" and not guaranteed by the charters of the companies.

An interesting incident in connection with this case occurred in 1871 in the convention of the stockholders of the Georgia railroad at Augusta. President King and his directors had signed the Georgia railroad's indorsement. In the convention, which was very largely attended, the question was raised as to whether that indorsement bound the corporation. General Towns and Judge Linton Stephens vigorously attacked the action of the directors. They were defeated by Senator Hill. A day long a spirited debate was in progress between the champions. It took a liberal range and attracted a great crowd of spectators who were glad to see the champions meet each other in the arena of the question at issue. It was the last time the three great Georgians ever met each other in debate and will long be remembered by those present. The convention took no final action on the premises and the indorsement of the Georgia railroad is still upon the bond of the lessees. Though the question of the validity of the bond had been discussed all along it did not again come up in any practical shape until the session of the legislature last summer when Mr. Day, of Fickens, offered a resolution to raise a joint committee to inquire into the condition of the lease. The act of October, 1870, had provided that other security may be required if the bond first given shall become insufficient by reason of being worth less than \$2,000,000. The legislature last year submitted to the attorney general all the evidence in the case, with instructions to report to the legislature whether the bond was valid and if he thought a majority of the shares of the lease were still owned in Georgia.

The decision of Attorney General Anderson was adverse to the lessees on both points, and on the first day of March he served upon Joseph E. Brown, president of the company, a notice that a stronger bond would be required. The sixty days allowed for strengthening the bond passed and no action was taken by the lessees. It is claimed further in the attorney-general's opinion that the act authorizing lease made the shares non-transferable, and that by its violation the company had misused its franchise. Mr. Stephens had drawn out of the company, and afterwards several other changes in control of the lease had been made. Of the original lessees B. H. Hill, C. A. Nutting, H. I. Kimball, George H. Hazlehurst, Andrew J. White, W. C. Morrill, Benjamin May, Ezekiel Witzfeldt, George Cook, John P. King and Richard Peters disposed of all their interest in the lease and the transferees took part in the management and enjoyed the profits of the lease. The opinion of the attorney general further declares that of the twenty-three shares in the lease, only two and a half shares are now owned by parties who were among the original lessees, and that of these two and a half shares, one and five-eighths of a share are owned by non-residents of Georgia. The information in the nature of a "quo warranto" filed by the attorney general, and now under discussion, submits these facts and then goes on to show by the record of the transfers that a majority of said shares are now held outside of the state of Georgia, and liable to be controlled by other railroad companies. The act of the act authorizing the lease. This is the substance of the quo warranto now pending. The lessees employed counsel to defend the validity of their bond and to contest the question of the alleged transfer of their shares. Julius L. Brown, the attorney of the company, has associated with him General Lawton, Governor Smith and Major Cummings. General Towns is also defending the lease as the especial cause of Charles H. Pritchard, who is the attorney of the Georgia railroad. Attorney General Anderson is assisted by Judge Lyon and Captain Harry Jackson. As yet no answer has been made to the question raised in the quo warranto. The defendant's counsel first made a motion to dismiss it. This was overruled by Judge Willis after the first day's argument. Then they filed a demurrer claiming that no law in the state authorized the proceeding. Judge Willis, however, informed in the nature of a quo warranto to forfeit a franchise; that the facts stated in the information are not sufficient to warrant a forfeiture of the franchise; that there are other remedies provided by law.

The defendants have been in peaceful possession of the franchise for seven years before the beginning of these proceedings; that the attorney general has no authority of law for commencing this suit. On these issues the argument of the past two days has been had. The able counsel have displayed great acumen and research and the court has been placed in possession of ample light. Both sides have conducted their case with admirable skill and the case will be historic in the annals of Georgia jurisprudence. Yesterday the argument was resumed before Judge Willis at 9 o'clock in the state library. The case of the state was followed up by Judge Lyon in an ingenious argument. He was followed by General Lawton for the lessees in one of his strongest efforts. The court then took a recess until after dinner. On the resuming the case of the state was resumed by Attorney General Anderson, who made an argument of remarkable strength. The court adjourned then until today. Governor Smith will conclude this

morning for the lessees. The decision on the demurrer will probably be had today. If it is sustained the case cannot come up on its merits until the September term of Fulton superior court. If it is overruled the trial will proceed at once. A time for hearing will be agreed on, a jury summoned, and the real battle begun on the intricate legal points involved, and the mass of evidence that will be offered. The great legal skirmish is almost at an end.

NEW YORK POLITICS.

John Kelly Thinks a Dark Horse Will Receive the Republican Nomination.

New York, August 25.—John Kelly, who returned to town this week, was found in his Park Road office by a reporter of the Tribune this afternoon. He was in excellent health and spirits and he had a pleasant greeting for each of his numerous visitors. To the reporter Mr. Kelly talked freely of the political situation. When asked if the Tammany Hall delegates would be admitted to the democratic state convention, he said: "It is not decided yet that Tammany Hall will send any delegates. The matter will be considered and settled at a meeting of the executive committee on September 5. Their action will be presented to the Tammany general committee at a meeting to be held on September 7."

"Who is Mr. Tilden's candidate for governor?" "I do not know that he has any candidate in the field. From my knowledge of the men who have been mentioned in connection with this, I do not think any one of them is acceptable to Mr. Tilden to represent him politically."

"Do you believe that under any circumstances Mr. Tilden himself would accept the nomination?" "I am informed by those who are in a position to know, that his health is such that it would be hazardous for him to undertake the fatigue and excitement of the canvass."

"Who do you think will secure the nomination on the part of the republicans?" "With a smile, Mr. Kelly replied that he was not sufficiently familiar with the inside workings of republican politics to give his opinion on that point any value."

"I do not think, though," he continued, "that it will be any of the men who are now mentioned."

"Neither Cornell, Folger nor Wadsworth?" "Neither of them. They are all good men. Mr. Wadsworth is a high-minded, honorable gentleman, and Governor Cornell has, I think, been a careful, conscientious man in the discharge of his gubernatorial duties. Judge Folger has had the good opinion of his political friends, and is very generally respected."

"Why do you think, Mr. Kelly, that a dark horse will secure the nomination?" "Because the light has now become so bitter that I think the leading man of both factions will see the necessity for a compromise candidate. The stalwarts, even if they could nominate their candidate, would meet with no success in the election from the half-breeds that they would be beaten at the polls. And the reverse is equally true. A half-breed candidate could not hope for the united support of the stalwarts. If the fight were simply a political one it would be possible to harmonize and solidify the entire party; but it is now a personal fight of so bitter a character that it seems to me that nothing short of a compromise candidate, unobjectionable to both sides, can bring the republican party out in its full strength at the polls."

HUBBELL'S CRY OF DISTRESS.

Eleven Hundred Entrants to the Custom House to Save the Grand Old Party.

New York, August 25.—The Sun says each of the 1,100 clerks, inspectors, storekeepers, and other employees in the custom house of whom have failed to remit their assessments to Hubbell's congressional committee at Washington, got a second circular from that body yesterday. The circular says that the failure of the employees to respond to the circular of May 15, sent by the committee, is noted with surprise, and that it is hoped that the only reason for such failure is that the matter escaped the attention of the employees in the press of other cases. Then the committee says:

"Great political battles cannot be won in this way. This committee cannot hope to succeed in the pending struggle if these most directly benefited by success are unwilling or neglect to aid in a substantial manner. On the skirmish line of 1881, with a conflict before us this fall of great moment to the republic and to the nation, it is not only a duty but a duty of honor for every man who is in the custom house to contribute to the success of the republic. Unless you think that our grand old party ought to succeed, help it now in the struggle to help it on to success. In which there shall be as in the north, a free ballot and a fair count, and to maintain such hold in the north as shall insure good government to the country."

"It is hoped that by return mail you will send a substantial contribution equal to a substantial portion of your earnest desire for the success of the republic. The contributions may be made by check or money order, payable to the order of J. A. Hubbell, acting treasurer, P. O. box 382, Washington, D. C. By order of the committee, D. B. Henderson, Secretary."

One of the employees remarked that he had already got into trouble by paying last year's assessments, and that he did not propose to get into any more trouble, no matter what happened to the new south. Another says that when the committee consents to render an exact account of receipts and expenditures for the past year, he will consider the advisability of contributing.

THE BRITISH MARKETS.

Cotton, Grain and Groceries—The Incidents of the Week in Trade.

LONDON, August 25.—The Manchester Guardian, in its commercial article, says there is no change in the market for cotton. The market for grain is quiet and unchanged. In Mining Lane coffee has been unsettled, with a full supply of foreign sort. Tea has been unchanged, with moderate demand. The market for sugar has been diminished. Many cargoes of Burmah rice sold at a slight advance. The best quality of West India sugar is selling at 6 pence.

LONDON, August 25.—This week's circular of the Liverpool Cotton Brokers' association says: "Cotton has been in modest demand with a tendency in favor of the buyers. There has been less required for American. The prices for the Liverpool market have been unchanged. Futures early in the week were dull and declined 3-32 for near, 1-32 for 1-16 for more distant positions, but on Thursday they were firmer, rising to a decline of 1-32 for near, while distant positions unchanged on the week.

longs are expected to force August up to fifty. It is thought they will be able to sell all stuff in their hands at about an advancing. August options are firm and advancing. Telegrams are received every hour indicating an increased short interest in all parts of the country.

SEYMOUR, THE SAGE.

Opinion of the Apple Democrat on Mr. Tilden, John Kelly and the Democratic Party.

BROOKLYN, August 25.—In an interview at Utica with an Eagle correspondent, Hon. Horatio Seymour, in speaking of democratic politics and the republican party, said:

"The great difficulty about our party is that we have nothing to fight about but our opinions. The republicans have two hundred thousand office holders, who have something more to fight about than opinions; they have their places and their bread and butter to fight about. This is a greater force working for the republican party and against the democratic than people are prone to believe. It is a force which cannot be broken up, but together by the cohesive force of public plunder, while we have nothing to fight over but our opinions. And it is all the more bitter because it is nothing but opinions; like soldiers of politics, and being young men they could not understand and which became the more clouded the more they talked about them. For ordination, for instance, they never did understand it and nobody dropped out, but now history they fought over them. Calvin burnt a man because he disagreed with him. As to advice, I can only repeat what I have often said to the young democrats of my acquaintance: Cease contending to cover and mislead an honest man. You have a greater stake in the future of the party than any of the old men upon the surface of affairs now. There were quarrels among old leaders when I came to the country, but they were quarrels of honor and not of policy. I participated in them. It took us thirty years to recover from their effects, and they continued long after their causes were in their graves. The young men of the present day should drop all quarrels and unite in the possession of affairs themselves. I am inclined to believe that there is a spirit of independence abroad that will make itself apparent in the convention when it meets."

"I do not know that he has any candidate in the field. From my knowledge of the men who have been mentioned in connection with this, I do not think any one of them is acceptable to Mr. Tilden to represent him politically."

"Do you believe that under any circumstances Mr. Tilden himself would accept the nomination?" "I am informed by those who are in a position to know, that his health is such that it would be hazardous for him to undertake the fatigue and excitement of the canvass."

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THE CANAL CUT THROUGH.

Lake Okechobee Emptying Its Waters Into the Calumet River.

JACKSONVILLE, Fla., August 25.—A dispatch from Captain F. A. Hendry, dated Kickapoo, Ill., August 23rd, and Fort Myers, 25th, says: The Florida land and improvement company's canal has been completed to Lake Kickapoo, a large lake within 3 miles of Lake Okechobee, and an immense body of water is coming down the Calumet river and emptying into the Gulf of Mexico. The completion of this work brings into cultivation the finest sugar lands of Florida.

European Short Line.

New York, August 25.—The Post says: A company has been organized under the name of the Great American and European Short Line railroad company, with Norvin Green as president, with a view of shortening the sea trip between this country and Europe. The plan is to convey passengers by rail to a point on the eastern coast of New Foundland, where steamers will be taken to a point on the western coast of Ireland, distant only 1,200 miles. It is thought that three or four days will be saved by this route.

Shooting at Sight.

Special Dispatch to The Constitution.

NEW ORLEANS, August 25.—Deputy Sheriff Wycherly was instantly killed by a young man named Edwards, in Bellevue, Bossier Parish, this morning. They quarreled at a dance last night and commenced firing at each other, when they met this morning, with the above result. Both were well armed. The deceased was a nephew of Sheriff Robert E. Wycherly, of Bossier parish.

A Mother Convicted of Murder.

EXETER, N.H., August 25.—The jury in the case of Mary Glynn, on trial for the murder of her daughter, an illegitimate child, returned a verdict of murder in the first degree.

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This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor creases and discoloration, particularly along the edges. A small, dark, circular spot is visible near the bottom right corner. The page is set against a dark background.

CITY NEWS.

THE REGULAR RECORD OF CURRENT LOCAL EVENTS.

The Day's Doing in Public Offices—The Record of the Courts, the Railroads and Hotels—Capital Jottings Real Estate Operations—Improvements—Gossip of all kinds.

There was a good rain last night. The car shed floor is being repaired. Real estate sales were very few yesterday. Atlanta is to have a dramatic association. A new sewer is being laid on Line street. Wood is being brought to town by the car load.

The police had a busy day yesterday, and the calaboose was full last night. Ivy street is having pavements laid on both sides between Houston and Wheat street.

REAL ESTATE AND BUILDING NOTES.

Dr. Martin yesterday sold a lot to Mr. J. B. Church, on Factory street, for \$300.

Mr. A. L. Pitts is building a seven-room residence on Bell street, near Decatur.

John & McGuire, the contractors and builders, have contracts for twenty-nine buildings.

Mr. C. R. Wellborne is building a handsome cottage at the corner of Peters street and Werner avenue.

Captain William Crim has just completed a beautiful five-room cottage on the corner of Bell and Fillmore streets.

Nelson, Barker & Co. are building twenty-two neat four-room cottages on Garrett, Fitzgerald and Buchanan streets.

W. W. Thompson has just completed a handsome two-story brick on the corner of Decatur and Bell streets, at a cost of \$4,000.

Before the Commissioner.

Frank G. Suttles, of Campbell county, was before Commissioner Smith yesterday, charged with working in an illicit distillery and concealing and removing illicit whisky. He gave a temporary bond for a further hearing on Thursday, 31st instant.

New Cotton.

The first bale of new cotton shipped over the West Point railroad reached the city yesterday. It was raised by Colonel J. A. L. L. Kin, of Alabama, and was consigned to Langston & Crane by W. H. Huguley & Co., of West Point. It was sold at public outcry in front of the Gate City exchange yesterday by Mr. N. R. Fowler for 14 1/2 cents to H. H. Smith & Co. The cotton was of low middle.

An Accident on the Georgia Pacific.

Day before yesterday the passenger train on the Georgia Pacific met with an accident just beyond Douglasville, which caused a general breaking up of the schedule on account of the spreading of the rails. The two rear cars were thrown from the track. Two men were standing on the platform of the car, and one of them, named Waterwright, was badly injured by being thrown from the car.

The Library Picnic.

The picnic to Indian Spring under the auspices of the Young Men's Library was a financial, as well as a social, success. That it was so is owing to the generous donation of the train by Major McCracken, superintendent of the East Tennessee, Virginia and Georgia railroad. The many friends of the library deeply appreciate this liberal gift from a new citizen of Atlanta, but one who has already proven his public spirit.

The Chi Phi Convention.

The annual convention of the Chi Phi fraternity will be held at the Kimball house, beginning on the 6th of September. Delegates from all parts of the country will be in attendance. The grand officers will arrive on the 6th. A banquet and other entertainments will be given to the convention by the Chi Phi's of Georgia and the south. All resident members of the fraternity are requested to meet in the waiting room of the Kimball house, Monday night at 8 o'clock, to perfect arrangements for the convention. Members of the fraternity desiring any information relative to the convention may address Mr. Frank Logan, of Atlanta, a member of the local committee.

County Taxes to be Reduced.

The county commissioners have their work divided up into committees; the late Judge Howell and G. T. Dodd were a committee on bridges, Hummick and Gramling have charge of the chain gang, buying supplies and giving general directions, etc. Judge Hoyt is chairman of the board, who looks after the almshouse and takes general supervision, etc. On yesterday Mr. Dodd got Judge Pittman to go to the rounds with him, as Judge Pittman had most of the bridges built in the last fifteen years under his administration; they visited six of the twenty-three bridges that the county is blessed with, and found five that needed some repairs, floors, etc., and which is on our public roads leading to and from Atlanta, which was ordered to be repaired immediately. The last year's heavy frost cost the county in building and repairing bridges washed away, twelve thousand dollars. But with all this, building the new court house which cost one hundred thousand dollars, they expect, says Mr. Dodd, to be able to reduce the taxes next year, from last year, 20 per cent less.

The Mystery Solved.

Since Mr. Abbott's residence on Washington street was burglarized a few days ago, the police have been very much exercised over their inability to ferret out the perpetrator. On Wednesday morning Chief Connally detailed Officer Glover to work up the case, but who well had the thieves covered their tracks that their detection seemed almost impossible. Day before yesterday, however, Henry Moore, and Jim Appleby were arrested, charged with stealing a pair of shoes from Curran's store on Decatur street, and when they were taken to the station house Officer Glover was there.

From some cause he at once suspected that this trio knew something about Mr. Abbott's loss, and he decided to play a bold hand with them. After talking with Appleby he became convinced that the shoes were correct, and finally induced Appleby to show him where Curran's shoes another pair were found, which were identified as Mr. Abbott's. This caused a search warrant to be procured, whereby all of Mr. Abbott's property, amounting to nearly \$300, was found. Officer Glover deserves credit for the way he worked this case, which has puzzled the police for several days.

Set Back \$25.

Among the cases disposed of by Mayor English in the police court yesterday morning was one against Harry Maas, a Cincinnati commercial tourist, who was charged with failing to register his business and to pay registration tax. Mr. Maas is in the employment of Henderson & Co., wholesale clothiers of Cincinnati, and a few days ago came to Atlanta and spread his samples in the Kimball house, where he exhibited them to his customers doing business in the city. Day before yesterday he met in the Kimball house a merchant to whom he had been selling goods, but who does business outside of Atlanta, and to whom he finally sold a bill of goods. This transaction, on the part of Mr. Maas, was in violation of section 22 of the tax ordinance of the city of Atlanta for the year of 1882, which says: "All drummers, or persons engaged in selling goods, wares or merchandise to others than registered merchants in this city dealing in that particular line of goods offered by said drummers shall be required, before offering to sell such articles above mentioned, to take a license for which he, she or they shall pay a sum of \$25 and clerk's fee per annum."

After Mr. Maas had made the sale the city marshal became cognizant of the transaction

and arrested him for violating the foregoing ordinance. This was May before yesterday, and Mr. Maas was required to give bond for his appearance before the recorder. This he did, Mr. Jacob Hans of this city, becoming his bondsman in the sum of \$200. The evidence adduced before Mayor English, the acting recorder, sustained the charge, and Mr. Maas was assessed \$5.

Will We Get Them?

The question of the Cincinnati and Georgia railroad shops will be settled today. The committee that has had the matter in charge has been working industriously, but on yesterday Major McCracken notified them that the time was about up, and unless the money could be raised by 12 o'clock to-day he would be forced to withdraw the proposition and begin the erection of the company's shops at Macon. The Macon people have been working with great energy, and yesterday Mayor Corbett telegraphed Major McCracken that the city would do anything that the company demanded for the location of the shops in that city. A long list of merchants and business men sent up a petition stating that the road would simply command them. Major McCracken telegraphed that the offer made to Atlanta would remain open until to-day at twelve, and that if not accepted and the money raised, a proposition from Macon would be in order. He also stated that he did not believe the money could be raised. The committee has secured subscriptions to the amount of sixty-one hundred dollars, leaving thirty-nine hundred dollars still to be raised. An active canvass of the city will be made, and the matter will be definitely settled by twelve.

Poor Old Spot.

The Approaching End of an Old Favorite of Atlanta's Police Department.

For the past fourteen years there has been at the police headquarters in the city a small spotted terrier bitch known as "Spot." When she first came to the station house Spot was a small, unassuming looking cur that had evidently been driven from home, but her unprepossessing appearance soon attracted the attention of the police force.

Such an extent that she became quite a favorite. The black and white spots which covered her body gave her her name, and her rat catching proclivities her home, for since her first appearance at the station house Spot has been one of its occupants. But for the past year she has been failing, and for several months past it has been apparent to all that Spot must go where all good dogs go. Long ago her actively forsaken her and for the past year Spot has been around in a trembling, faltering gait. Since her first day's duty she has seen the entire police force revolutionized. She has seen three chiefs and as many captains as she is years old and gone. She has seen every number of the force, but five give way to a successor, but old Spot was kindly treated. Of those who watched Atlanta when Spot enlisted only officers Hayes, Egan, Egan, and Conner are still members, and each of these now look upon Spot as an old comrade. Since Sunday Spot has been declining so rapidly that yesterday she was sent to the stockade where she can break the purr, but her death is daily looked for.

Fulton Republicans.

Meeting of the County Executive Committee at the Capital Yesterday.

The county republican executive committee met yesterday in the senate chamber. Mr. S. A. Darnell presided and Mr. W. D. Moore and James L. Lamar acted as secretaries in the absence of the regular secretary, H. A. Rucker. The following members were present: S. A. Darnell, Volney Spaulding, Chad Norris, J. L. Lamar, J. E. Bryant, W. B. Tinsell, W. E. Craddock, H. B. Gunn, Jackson McHenry, A. W. Watson, Charles McHenry, Watson Fuller, R. M. Auten, S. T. Steele, Joe Frank, W. Mattison, W. D. Moore, S. A. Darnell as proxy for A. A. Smith, E. G. N. Fannin as proxy for Gordon J. Jackson, M. H. Bentley and J. Williams. The following executive committee of the county committee was appointed: S. A. Darnell, A. E. Buck, W. D. Moore, Jackson McHenry, J. E. Bryant, R. M. Auten, A. W. Watson, A. Mattison, J. L. Lamar, Joe Frank, J. H. Brown and Moses Foster.

A resolution was passed endorsing Colonel Beck, the chairman of the republican state central committee, and endorsing the committee as a whole.

A resolution was passed for the executive committee to confer with the ward clubs and arrange for meetings and speaking.

A resolution was passed instructing the executive committee to report at the next meeting on the advisability of organizing a central republican club.

Bentley introduced a resolution that the executive committee use every effort to harmonize the opposing wings of the party in the county. The resolution was adopted, after which the meeting adjourned.

The Custom House.

Surveyor Pledger Wants the People to Take Hold of the Bonded Line Matter at Once.

It seems that theaching void known to the general public as the custom house is destined to develop into a dead sea apple unless the business men of Atlanta take hold of the matter in an energetic way and secure a bonded line, so that imported goods can be brought through to Atlanta. Surveyor Pledger says that he has done all that he can do, and unless the business men of the city put their shoulders to the wheel he can do no more. He says that he will not hold an office unless a bonded line into the city can be secured. He will tender his resignation at the end of the present year. He says that he has made all the effort that he can make and has done all he can do without the cooperation of the business men of the city. He says also that what he has done was done as a citizen and not as collector, as it is neither his duty nor his privilege to do anything as surveyor of customs. In conversation with a Correspondent reporter yesterday he said that he was very anxious for the people to come to his aid in this matter, and in order that the situation might be understood thoroughly he furnished the following letter for publication: "Richmond, Va., August 5, 1882. A. Pledger, Esq., Atlanta, Ga., Surveyor of Customs. Dear Sir:—In the matter of transportation of unappropriated goods in bond from eastern ports to Atlanta, there has been very full correspondence between the officers of our lines and those of the Baltimore and Ohio railroad company, and also with the officials of the treasury department, upon which the facts appear as follows: The United States government allows unappropriated goods in bond to be transported by common carrier between port of call and point of destination under certain well defined regulations, and after the carrier—a railroad company—has given bond with such persons as security as the secretary of the treasury may require, for \$500,000, from the port of New York, Philadelphia and Baltimore, to the point of destination, the Baltimore and Ohio railroad company has given such bond for New York, Philadelphia and Baltimore, amounting to \$1,000,000, with four personal sureties required by the treasury department, and covering such of the western and southern points as their business requires. It is important to the business of the points mentioned in their bonds is Atlanta, but as the Virginia, Midland and Richmond and Danville railroads, from Baltimore only, not New York and Philadelphia, upon the execution of a bond by the Virginia Midland and Richmond and Danville railroads, companies of \$200,000, with additional personal sureties of three individual bondsmen, suggested by name. President Garrett also suggests some difficulties in getting the bonds, and the amount of this bond, considering the comparative bulk of business to Atlanta and to the various western points covered by



OUR ENTIRE STOCK

SUMMER CLOTHING

AT COST,

UNTIL SEPTEMBER 1ST

FOR CASH.

JAMES A. ANDERSON & CO.,

41 Whitehall Street.

MOSQUITOES.

A new supply of the Lathrop

Patent Mosquito Net Frame

just in. Call at once as the

supply is limited. Movable

with the bed. Selling rapidly

and every purchaser made hap-

py. Sold only by LATHROP

& WHITE, 46 Marietta street.

THE BALTIMORE AND OHIO bond, appears large, and I do not understand that an arrangement upon the part of our companies covering one eastern port only would not be the wisest of the business men of Atlanta, in that it would give them the importing through Baltimore a great advantage over those importing through the other ports, and would reduce but little the gross amount of bonds which our companies would have to give the government if arranged directly with it. It is an amount in very reasonable time, such an increase of business from this source as would justify them. Of this we have no means of judging and would be obliged if you could furnish some estimate of the probable increase of tonnage, and its character, as to the articles which are imported, and how they are handled by us under such an arrangement, so that we could make an estimate of increased revenues upon which our board might base its action. If you have careful data, I would be glad for you to furnish us, as it is the desire of our board of directors that we to the communities reached by our lines every facility for the development of their business consistent with prudent management of the properties interested to their care.

Awaiting your reply before submitting the matter for their decision, I am, yours respectfully,

PEYTON RANDOLPH, A. G. M.

ALL ABOUT A COW.

A Law Suit that has Cost One Hundred and Fifty Dollars.

There is now pending in the superior court of Fulton county a case in which one of Atlanta's leading fertilizers is the complainant and a prominent cotton factor the respondent. Both complainant and respondent reside on Washington street side by side, and their offices are well and comfortably fixed in palatial residences, yet both are unhappy.

For quite a while after becoming neighbors, these two gentlemen were of very friendly terms, but after awhile differences, which led to a law suit. This case is still pending, and, of course, the ice between the parties thereto was not thawed when the second suit had its origin, and it is of this second suit this story tells.

The complainant in the suit is Mr. Green B. Adair who resides at the corner of Washington and Peters streets, while the respondent is Mr. Jno. M. Holbrook whose home is 75 Washington street. The cause of the law suit is the alleged belovings and loving of a cow which belongs to the respondent.

Several years ago Mr. Holbrook sold to Mr. Adair the lot upon which his residence stands. It fronts 97 feet on Washington and 140 on Peters. In the rear of this lot Mr. Holbrook retained a lot on Peters street just in the rear of the one he sold to Mr. Adair, and on the 26th of August last he sold this lot to Mr. Adair. The lot fronted fifty-two feet on Peters street and ran back ninety-seven feet. When Mr. Holbrook deeded this last mentioned lot to Mr. Adair he reserved a twelve-foot alley leading from Peters street into his lot, which was next to the one sold. The right to pass through this alley was equally the right of both buyer and seller, but the title to the soil remained in Mr. Holbrook.

Mr. Adair, in conversation with a Correspondent reporter yesterday he said that he was very anxious for the people to come to his aid in this matter, and in order that the situation might be understood thoroughly he furnished the following letter for publication: "Richmond, Va., August 5, 1882. A. Pledger, Esq., Atlanta, Ga., Surveyor of Customs. Dear Sir:—In the matter of transportation of unappropriated goods in bond from eastern ports to Atlanta, there has been very full correspondence between the officers of our lines and those of the Baltimore and Ohio railroad company, and also with the officials of the treasury department, upon which the facts appear as follows: The United States government allows unappropriated goods in bond to be transported by common carrier between port of call and point of destination under certain well defined regulations, and after the carrier—a railroad company—has given bond with such persons as security as the secretary of the treasury may require, for \$500,000, from the port of New York, Philadelphia and Baltimore, to the point of destination, the Baltimore and Ohio railroad company has given such bond for New York, Philadelphia and Baltimore, amounting to \$1,000,000, with four personal sureties required by the treasury department, and covering such of the western and southern points as their business requires. It is important to the business of the points mentioned in their bonds is Atlanta, but as the Virginia, Midland and Richmond and Danville railroads, from Baltimore only, not New York and Philadelphia, upon the execution of a bond by the Virginia Midland and Richmond and Danville railroads, companies of \$200,000, with additional personal sureties of three individual bondsmen, suggested by name. President Garrett also suggests some difficulties in getting the bonds, and the amount of this bond, considering the comparative bulk of business to Atlanta and to the various western points covered by

To this note Mr. Holbrook made no reply, and on the next day received a second communication, which read:

ATLANTA, Ga., August 11.—Mr. John M. Holbrook—Dear Sir:—Your failure to answer my note of yesterday requesting you to decide on keeping your cow in the alley, and your failure to remove the cow constraints me to believe that your object is to annoy me. I will not allow myself to come to this conclusion until you have an opportunity to answer this note. I hope you will look at the matter in a fair and dispassionate light, but if you fail to do so I warn you that I will not submit quietly to such unreasonable conduct on your part, but will take the necessary legal steps to enforce my rights. Respectfully,

G. B. ADAIR.

To these two communications Mr. Holbrook sent no reply, which read:

ATLANTA, August 12.—B. Adair—Dear Sir:—Your communication of the 10th and 11th instants received. Your "first" would have been answered for the first time following up quickly. Your second concluded with a threat of the law. You

are at liberty to appeal to the law. You have never failed to use law whenever you thought you could do so. I think I know what your rights are. You certainly don't have them all.

Very respectfully,

J. M. HOLBROOK.

This was the correspondence between the neighbors. It was short and was carried on without the government deriving any revenue from it, the notes being sent by servants. But the correspondence did not end the matter, for on the 16th Mr. Holbrook was served with an injunction restraining him from allowing his cow to roam about in this twelve foot alley. The bill was a long one, covering eighteen pages of legal cap, and after reviewing the history of the cow's action, asked that the bill be granted for the following reasons: First, they are an annoyance to your neighbor, because of the noise they make belovings and howling all day long. Second, they render the alley unclean and offensive to the smell and sight, and this will grow worse as time goes on. Third, they constitute an obstruction to the passage of persons and vehicles, back and forth in said alley.

To this petition Mr. Holbrook's attorneys filed their answer, and the case was set for a hearing. In the answer, the defendant admits that the cow may have loved while in his wood yard or even while in the alley, but offers in extenuation of that loving the fact that the cow was a common country animal, and did not know how to conduct herself in the city. The second charge he also admits to be true, but avers that he knows of no way to prevent a cow from obeying the laws of nature.

When the day for the hearing of the injunction arrived Judge Simmons, before whom the argument was to be had, was in Jonesboro and neither the complainant, and his attorney, Mr. William Hammond, and the respondent and his attorney, Mr. S. B. Spencer, went. The case was heard and a temporary injunction was granted. All of this was about a cow passing through an alley and the end is not yet. There is first a big attorney's fee for both complainant and respondent. Then the clerk's fee, amounting to nearly fifty dollars, for recording the bill and its answer and the sheriff's fee, the railroad fare for the four to Jonesboro and back and their hotel bills. The case has yet a long legal course and as each step adds to the bill of cost the cow's tramping through the alley will prove quite expensive.

Mr. For Ponce De Leon. Grand children's jubilee to-day. First train starts at 9:30.

CARPETS. CARPETS.

EXTRAORDINARY BARGAINS.

JOHN RYAN

Is receiving daily the largest and most magnificent lot of Carpets ever shown in any Carpet House in the Southern States, consisting in part of

TAPESTRY, BODY BRUSSELS, WILTONS, VELVETS, MOUQUETTE, AXMINSTER, All kinds, INGRAINS, Etc., Etc., Etc.,

and is selling them at prices which are unapproachable by any house in the United States.

JOHN RYAN

ALSO, KEEPS THE LARGEST AND BEST ASSORTED STOCK OF HOUSE FURNISHING GOODS

to be found anywhere. Below we mention a few of the many house-furnishing articles always to be found in his

EXTENSIVE CARPET WARE-ROOMS.

Crumb Cloths all sizes. Mosquito Nets. Lambrequins made in all designs and of any material. Dado Shades in latest designs. Ottomans, Adjustable Cornices, Mattresses, Scotch Holland, all widths and colors.

Magnificent assortment of Crettones, Raw Silk, Jute Goods, etc.

JOHN RYAN

makes a specialty of Recovering Furniture.

CARPETS SOLD ON THE INSTALLMENT PLAN

AT CASH PRICES.

Parties contemplating furnishing their houses this fall will save money and study their own interests by calling at

JOHN RYAN'S,

61 WHITEHALL AND 70-78 BROAD ST.

AT WHOLESALE ONLY.

Having determined to sell out our entire Retail Drug Department, September 1, 1882, we will, after that date, sell at

WHOLESALE ONLY.

PEMBERTON, IVERSON & CO.

WHOLESALE MANUFACTURING CHEMISTS,

40 AND 42 WALL STREET, Opposite Passenger Depot.

N. B.—Third Floor 100x50 feet, with elevator, suitable for light manufacturing purposes, for Rent. aug12-d11 70p un ryan

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Very respectfully,

J. M. HOLBROOK.

ARRIVED LAST NIGHT

A fresh supply of

DIAMOND

PATENT FLOUR.

Back orders and new orders will now be promptly filled. Also, a car load of

SILVER PATENT FLOUR.

Guaranteed as good as the best Patent Flour in the State (EXCEPT THE DIAMOND), and the price lower. aug26-d11 7p

From the Great Drug House of the Northwest.

CHICAGO, July 14th, 1882.

We do not hesitate to say that for a year past we have sold more of your Swift's Specific (S. S. S.) than all other blood purifiers combined and with most astonishing results. One gentleman who used half a dozen bottles says that it has done him more good than treatment which cost him \$1,000. Another who had used it for a scrofulous affection reports a permanent cure from its use. Yours truly,

VANSHAACK, STEVENSON & Co.

HOT SPRINGS, Ark., July 17th, 1882.

I have had what my physicians termed "cure" for over eight years, and came five years ago to this place to live in order that I might be cured. During that time I energetically applied all the healing art of the physicians here (both internal and external) in connection with the celebrated Thermal Hot Baths, and in addition have taken more than a hundred bottles of various medicines without the desired result. Up to three months ago I had almost believed my case incurable, and began taking Swift's Specific (S. S. S.) with all the skepticism possible, although the eruption was at first worse, yet there were some signs of improvement, and after three months use of S. S. S. I am sound and well, not a sign of the eruption, my skin smooth and clear and my general health as good as it ever was. If there are any doubting ones, let them write to me here.

J. N. PRATT.

All Aboard

For Ponce de Leon and the

LAW OFFICE OF JNO. D. CUNNINGHAM,
Rooms 5 and 6, Atlanta National Bank.
Messrs. McBRIDE & CO., Atlanta, Ga.
In reply to your question, I answer that your "Cherry Patent Steam Evaporator" has been running on my plantation at Orchard Hill, for several weeks in connection with several others of different patents. My Orchard Superintendent reports that it gives satisfaction, and that it is the best Evaporator he ever saw for general use.
JNO. D. CUNNINGHAM.
June 18—dly top 1st col 5p

SCHOOL BOOKS
—AND—
SCHOOL SUPPLIES
—FOR—
COLLEGES, ACADEMIES,
High Grammar, Primary, and
Private Schools.
HOLMAN, COFFIN & CO.
Feb 18—dly top 1st col 5p

DAMON'S
FINE JEWELRY,
SOLID SILVER
BRIDAL PRESENTS.
LARGEST STOCK, NEWEST STYLES
Send for Illustrated Catalogue.
J. P. STEVENS & CO.,
FACTORY & SALESROOM,
34 WHITEHALL STREET,
ATLANTA, GA.

COTTON AND WEATHER.
Cotton, middling uplands closed in Liverpool yesterday, at 7 1/2; in New York, at 12 1/2; in Atlanta at 12 1/2.

Daily Weather Report.
OBSERVER'S OFFICE, SIGNAL CORPS, U. S. A.
KIMBALL HOUSE, August 25, 1882, P. M.
All observations taken at the same moment of time at each place named.

NAME OF STATION.	Barometer.	Thermometer.	Wind.	Weather.
Atlanta.	30.02	69	N. W.	Clear.
Augusta.	30.02	69	N. W.	Clear.
Galveston.	29.98	71	N. W.	Clear.
Indianapolis.	29.98	71	N. W.	Clear.
Key West.	29.98	71	N. W.	Clear.
Mobile.	30.02	71	N. W.	Clear.
Montgomery.	30.02	71	N. W.	Clear.
New Orleans.	30.02	71	N. W.	Clear.
Palm Beach.	30.02	71	N. W.	Clear.
Panama.	30.02	71	N. W.	Clear.
San Juan.	30.02	71	N. W.	Clear.
Sanchez.	30.02	71	N. W.	Clear.

Time of Observations.	Barometer.	Thermometer.	Wind.	Weather.
6.31 a.m.	30.02	69	N. W.	Clear.
10.31 " "	30.02	71	N. W.	Clear.
2.31 p.m.	29.98	71	N. W.	Clear.
6.31 " "	29.98	71	N. W.	Clear.
10.31 " "	30.02	71	N. W.	Clear.

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2.31 p.m.	29.98	71	N. W.	Clear.
6.31 " "	29.98	71	N. W.	Clear.
10.31 " "	30.02	71	N. W.	Clear.

Time of Observations.	Barometer.	Thermometer.	Wind.	Weather.
6.31 a.m.	30.02	69	N. W.	Clear.
10.31 " "	30.02	71	N. W.	Clear.
2.31 p.m.	29.98	71	N. W.	Clear.
6.31 " "	29.98	71	N. W.	Clear.
10.31 " "	30.02	71	N. W.	Clear.

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6.31 " "	29.98	71	N. W.	Clear.
10.31 " "	30.02	71	N. W.	Clear.

ELIZABETH HALL,
JEWELER.
P. S.—A full line of the finest imported Spectacles and Eye Glasses can also be found at my place, which I guarantee to give satisfaction for five years.
May 28 dly—1st col 5p

WATCHES,
JEWELRY.
FREEMAN & CRANKSHAW,
31 Whitehall Street.
We are prepared to do all the most difficult watch and jewelry repairing in first-class style.
Feb 18—dly top 1st col 5p

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THE HEKTOGRAPH.

100 copies from one writing.
Cap, Letter and Note size.

PHILLIPS & CREW,
AGENTS.
July 18—dly top 2d col 5p

MOSQUITOES.
A new supply of the Lathrop Patent Mosquito Net Frame just in. Call at once as the supply is limited. Movable with the bed. Selling rapidly and ever purchaser made happy. Sold only by **LATHROP & WHITE, 46 Marietta street.**
aug 26—dly top 1st col 5p

Death of Mrs. J. K. Throver.
Several months ago William Singer was badly injured at the Atlanta elevator and has since been confined to his home near the mineral spring. Last night he died from his injuries, and as he and his family were dependent upon his labor for a living, and he has been unable to work for several months their condition is distressing. The family has not a cent with which to buy bread, and last night there was no one with the family to watch the corpse. If the people of Atlanta want to do a kind act let them see that the body is decently buried. Mr. Singer was an industrious, sober man and deserves this much at the hands of his fellow beings.

Death of Mrs. J. K. Throver.
A telegram was received in the city yesterday announcing the death of Mrs. J. K. Throver, which occurred at Gainesville, Texas, yesterday morning. Mrs. Throver went out to Texas about a month ago with an excursion. The day before she was to have started home she was taken with dysentery. She expected to reach Atlanta on the 17th. She telegraphed that she would be delayed a day or two. Wednesday Mr. Throver started out to Texas, and yesterday morning a telegram announcing Mrs. Throver's death was received here. Mr. Throver had not reached Gainesville. Her remains will be brought to Atlanta for interment.

An Ice Cream Festival.
The young ladies' missionary society of the Second Baptist church gave a pleasant ice cream festival in the basement of the church last night. The rain prevented a full attendance but those who were there spent a delightful evening. The young ladies wore Mother Hubbard costumes and appeared very charming.

The Celebration To-Day.
The annual schools of Fulton county will have their annual celebration at Ponce de Leon springs to-day. The programme has already been published. Everything is in trim order, and a day full of enjoyment may be expected.

A Burglary.
Mr. Isaac Pilgrim, who lives at 23 Jones street, had his house burglarized night before last. The burglar entered through the kitchen window and got away with twelve dollars and a half.

PERSONAL.
Jack Harris is back from north Georgia.
Colonel David W. Lewis is at the Kimball.
J. A. Foster, of Macon, is at the Markham.
C. H. Dorsett, of Savannah, Ga. is at the Markham.
C. E. Smith, of Newnan, has rooms at the Markham.
M. J. G. Trullitt, of LaGrange, is stopping at the Kimball.
Mr. E. W. Hack and family, of Augusta, are at the Kimball.
Miss Kate Butt, of Augusta, was at the Kimball yesterday.
Hon. James S. Boynton, of Griffin, is registered at the Kimball.
Colonel W. W. Clark, of Covington, Ga., was at the Markham yesterday.
Miss Cora L. Berry has returned from a pleasant visit to friends in Newnan.
Miss Lula Sellman and Miss Annie Harris, of Monrovia, are at the Kimball.
Mr. John L. Hammond and family and Miss Hammond, of Savannah, are at the Kimball.
Mrs. H. Massingale, Miss Julia Carter, Miss Carrie Carter, of Augusta, Ga., were registered at the Markham yesterday.
Rev. E. W. Warren, D.D., formerly pastor of the First Baptist church, is in the city and will occupy his old pulpit Sunday.

Copies of the DAILY OF WEEKLY CONSTITUTION.
With H. W. Gandy's sketch of the Hon. B. H. Hill, can be had at the counter or by mail, 5 cents per copy.

WADE HAMPTON!
Just arrived, 250 barrels Wade Hampton Flour, fresh ground. A Flour that has no equal on this continent. Price reduced.
GARRETT & BRO.,
50 Alabama street.
aug 24 dly—sp 2d col

Housewives need a convenient and nutritious stock for soups, puddings, etc., in nature, meat flavor the SOLUBLE BEEF PREPARED by Scott & Bowne, and as it contains the substance of the meat dissolved it is more nutritious than beef extracts. For sale by Druggists and Grocers.
June 29—dly top 1st col 5p

Miss Kelly Kicks.
EDITOR'S CONSTITUTION: In your issue of the 24th inst., under the above caption, you speak of the difficulty between Miss Kelly and Mr. Black, and connect my place of business with it. I ask that you way allow me a small space in your paper to reply and to correct the error as to myself and my place as stated in said article.
As to Miss Kelly calling for a drink in my saloon, it is false. The difficulty with her and Black occurred with previous time, and she was drinking and many other goods too numerous to mention. These goods are the heaviest triple plate, and the finest finished goods in the world. Go to No 9 Whitehall street and see them.

A. F. PICKERT,
JEWELER.
P. S.—A full line of the finest imported Spectacles and Eye Glasses can also be found at my place, which I guarantee to give satisfaction for five years.
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AUGUST 19TH, 1882.

NEW GOODS EVERY DAY.
EVERY DEPARTMENT IS BEING FILLED.
WE WILL SPARE NO PAINS IN SELECTING

GOODS OF LATEST IMPORTATIONS AND OF BEST QUALITIES AND STYLES. We will offer this season the Largest Stock of

DRESS GOODS, SILKS, ETC.
EVER BROUGHT TO THE SOUTHERN STATES.
Our Mr. Johnson is now in New York. We are receiving goods from selections daily.
CHAMBERLIN, BOYNTON & CO.
Agents Buttrick's Patterns.

Y. M. C. A.
The young men's meeting to-night at 8-15. Strangers meeting Sunday evening at 5 o'clock. Noon prayer meeting from 12 to 12:30 every day.

W. H. BROTHERTON'S
Dress Goods Department is very attractive.

All-wool Black Bunting 15c.
Half-wool Black Bunting 10c.
Black and White, Brown and Black, Black and Blue and Black Striped Silks 50c.
Plain Black Silk 50c.
Colored Silks, in all shades, 50 cents.
Black all-wool Cashmere 40c.
Black Satin 50, Colored Satins in delicate shades \$1.00, and all other goods in this department correspondingly low.

W. H. BROTHERTON'S
Millinery Department, presided over by Mrs. B. LYON, is one of the most attractive establishments of the kind south of Baltimore.

Do not fail to call and examine the beautiful Bonnets, Hats, Feathers, Flowers, Ribbons, etc. Also, agent for the sale of Mme. Demorest's celebrated Patterns. This is the best and most reliable pattern sold.

Children are very fond of Scott & Bowne's SOLUBLE BEEF PREPARED on bread and crackers, and as it contains all the nutriment of the meat is very desirable for them. For sale by Druggists and Grocers.
June 29—dly top 1st col 5p

W. H. BROTHERTON'S
Ready-made Clothing Department in Gents', Boys' and Children's is complete. If you need a new suit examine his immense stock. His prices are lower than the lowest.

SIDEWALK NOTES.
1,000 lbs. for \$3.00; 100 lbs. for 40c, from the same. No delivery. H. F. Emory's, 15 Peachtree street.
aug 25—dly

Shrimp Men.
"Wells" Health Renewer, restores health and vigor cures Dyspepsia, Indigestion, Sexual Debility, etc. Depot Lamar, Rankin & Lamar, Atlanta.
aug 25—dly

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POINTS OF ADVANTAGE IN OUR STOCK OF SPRING CLOTHING!

FRESH GOODS! NOBBY STYLES! ELEGANT DESIGNS! LOW PRICES! SUPERIOR WORKMANSHIP!

THE LATEST NOVELTIES IN FURNISHING GOODS
—AT—
HIRSCH BROS.
CLOTHIERS AND TAILORS,
42 AND 44 WHITEHALL STREET, ATLANTA, GA.
mar 18—dly 5p

JACK & HOLLAND,
STEAM CANDY AND CRACKER MANUFACTURERS,
Wholesale Confectioners and Fancy Grocers,
No. 36 WHITEHALL STREET, Office, up-stairs.

CRACKER, STICK CANDY, FANCY CANDIES—(PRESERVED FRUITS AND LUMPS, LOZENGES, GUM DROPS, IMPORTERS, ROCK CANDY, Caramels and Coconuts, Gummies, CHEWING GUM, NUTS, PEANUTS, RAISINS, PRESERVES AND JELLIES, OYSTERS, BRANDY FRUITS, CANNED FRUITS, CANNED VEGETABLES, SALMON, SARDINES, TOBACCO, LOBSTERS, SNAPP, CIGARS, SUGAR, COFFEE, TEA, SPICES, PICKLES (in Glass and Wood), POTASH, SOAP, STARCH, CANDLES, CANDY JARS (all sizes), CRACKERS and CANDY CASES (Tin and Paper, with Glass Fronts),

WAL